



## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

### Via U.S. Mail and Electronic Mail

June 28, 2017

Mrs. V Anne Heard  
Regional Administrator  
U.S. Environmental Protection Agency (EPA) – Region 4  
61 Forsyth Street SW – Mail Code: 9T25  
Atlanta, GA 30303-8909

Re: Proposed Revision to Florida's State Implementation Plan – Withdrawal of certain provisions in Florida SIP Submittal Nos. FL 81, FL 113, and FL 126

Dear Mrs. Heard:

On February 27, 2013, the Florida Department of Environmental Protection (Department) submitted a proposed revision to the Florida State Implementation Plan (SIP) that, among other things, incorporated revisions to Rules 62-210.200, 62-210.350, and 62-296.401, F.A.C. This SIP revision, identified as DEP SIP 2013-02 (EPA Submittal #FL 126), incorporated the contents of two previously submitted SIPs that EPA had not acted on and "re-submitted" the previously proposed SIP revisions (DEP SIP 1999-01 [EPA Submittal #FL 81] and DEP SIP 2011-01, [EPA Submittal #FL 113]).

After re-evaluating the provisions of Rules 62-210.200, 62-210.350, and 62-296.401, F.A.C., the Department is hereby requesting that EPA withdraw the following provisions from DEP SIP 1999-01 (EPA Submittal #FL 81), DEP SIP 2011-01 (EPA Submittal #FL 113), and DEP SIP 2013-02 (EPA Submittal #FL 126):

1. The addition of paragraph 62-210.350(1)(c), F.A.C. (effective February 11, 1999); originally submitted in DEP SIP 1999-01 (EPA Submittal #FL 81) and re-submitted in DEP SIP 2013-02 (EPA Submittal #FL 126);
2. The revisions to Rule 62-296.401, F.A.C. (effective November 13, 1997 and January 10, 2007); originally submitted in DEP SIP 1999-01 (EPA Submittal #FL 81); submitted further revisions in DEP SIP 2011-01 (EPA Submittal #FL 113); and re-submitted in DEP SIP 2013-02 (EPA Submittal #FL 126); and

3. The inclusion of the following definitions in Rule 62-210.200, F.A.C.:

- a. “Animal Crematory” (effective November 13, 1997 and revised effective January 10, 2007); originally submitted in DEP SIP 1999-01 (EPA Submittal #FL 81); submitted further revisions in DEP SIP 2011-01 (EPA Submittal #FL 113); and re-submitted in DEP SIP 2013-02 (EPA Submittal #FL 126);
- b. “Biological Waste” (effective November 13, 1997); originally submitted in DEP SIP 1999-01 (EPA Submittal #FL 81); and re-submitted in DEP SIP 2013-02 (EPA Submittal #FL 126);
- c. “Biological Waste Incinerator” (effective July 6, 2005 and revised effective January 10, 2007); originally submitted in DEP SIP 2011-01 (EPA Submittal #FL 113); and re-submitted in DEP SIP 2013-02 (EPA Submittal #FL 126);
- d. “Biomedical Waste” (effective November 13, 1997); originally submitted in DEP SIP 1999-01 (EPA Submittal #FL 81); and re-submitted in DEP SIP 2013-02 (EPA Submittal #FL 126); and
- e. “Human Crematory” (effective November 13, 1997 and revised effective January 10, 2007); originally submitted in DEP SIP 1999-01 (EPA Submittal #FL 81); submitted further revisions in DEP SIP 2011-01 (EPA Submittal #FL 113); and re-submitted in DEP SIP 2013-02 (EPA Submittal #FL 126).

In addition to the request to withdraw the above-cited provisions, the Department is supplementing the DEP SIP 1999-01, EPA Submittal #FL 81 and DEP SIP 2013-02, EPA Submittal #FL 126 to address the requirements of Clean Air Act (CAA) section 110(l) with respect to the change to Rule 62-210.350, F.A.C. Specifically, the Department added subparagraph 62-210.350(4)(a)2., F.A.C., to specify that Federally Enforceable State Operation Permits, or “FESOPs,” are only required to have a 14-day public comment period, instead of the presumptive 30-day comment period that existed before the February 11, 1999 revisions. Due to this shortening of the public comment period, the Department offers the following as a 110(l)-noninterference demonstration:

The proposed SIP revision shortening the FESOP public comment period from 30 days to 14 days will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement as it simply involves revising the amount of time that FESOP permits are available for public comment. The revision does not affect any emission limits or authorize any increase in emissions, there are no specific requirements in the CAA or its implementing regulations relating to the amount of time a proposed FESOP must be made available for public comment, and the 14-day public comment period allows for federal enforceability as there is adequate time for participation by EPA and the public.

If you have any questions about the withdrawals from the proposed SIP revisions, please contact Hastings Read at (850) 717-9017 or by email at [Hastings.Read@dep.state.fl.us](mailto:Hastings.Read@dep.state.fl.us).

Ms. V. Anne Heard  
June 28, 2017

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeffery F. Koerner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeffery F. Koerner,  
Director  
Division of Air Resource Management

cc: R. Scott Davis, Chief, Air Planning Branch, EPA Region 4







## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Interim Secretary

July 27, 2015

Mrs. Heather McTeer Toney  
Regional Administrator  
U.S. Environmental Protection Agency (EPA) – Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8960

Re: Request to Withdraw Florida SIP Revision 102  
Response to the EPA Finding of Failure to Submit State Implementation Plan with  
Respect to Section 110(a)(2)(D)(i)(II) of the Clean Air Act

Dear Mrs. Toney,

On July 6, 2007, the Florida Department of Environmental Protection (DEP) submitted to the EPA a SIP revision in response to the EPA's April 25, 2005, "finding of failure" with respect to 110(a)(2)(D)(i)(II) of the Clean Air Act (CAA) (Florida SIP Revision 102; EPA-R04-OAR-2008-0131). EPA's finding required that Florida submit a response confirming that Florida's SIP contains adequate provisions prohibiting any source or other type of emission activity within the state from interfering with measures required to be included in the applicable implementation plans for any other state, to prevent significant deterioration of air quality and protect visibility.

The SIP revision submitted by DEP, in relevant part, was for the State of Florida to implement the Clean Air Interstate rule (CAIR), which addressed the State's interstate transport obligations pursuant to the CAA. EPA subsequently replaced CAIR with the Cross State Air Pollution Rule on January 1, 2015.

Accordingly, the declarations made as part of Florida's pending SIP revision are now unnecessary. DEP requests, therefore, to withdraw Florida's July 6, 2007 SIP submittal.

If you have any questions about this request, please contact Preston McLane at (850) 717-9089 or by e-mail at [Preston.McLane@dep.state.fl.us](mailto:Preston.McLane@dep.state.fl.us).

Sincerely,

A handwritten signature in black ink, appearing to be "Justin B. Green", written over a light blue horizontal line.

Justin B. Green, Director  
Division of Air Resource Management

Cc: R. Scott Davis, Chief, Air Planning Branch, EPA Region 4





**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

BOB MARTINEZ CENTER  
2600 BLAIRSTONE ROAD  
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RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

**Via U.S. Mail and Electronic-Mail**

March 17, 2014

Mrs. Heather McTeer Toney  
Regional Administrator  
U.S. EPA, Region 4  
Sam Nunn Atlanta Federal Center, 14<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Re: EPA-R04-OAR-2012-0555 – FL-117 – NSR PM<sub>2.5</sub> PSD Increments and SILs  
Request for withdrawal of PM<sub>2.5</sub> SILs portion of SIP submittal

Dear Mrs. Toney:

On March 15, 2012, the Florida Department of Environmental Protection (DEP) submitted a State Implementation Plan (SIP) Revision to EPA Region 4 to incorporate federal requirements for Fine Particulate Matter (PM<sub>2.5</sub>). The SIP Revision adopted regulatory changes as promulgated in 40 CFR Parts 51.166 and 52.21 in order to make Florida's Prevention of Significant Deterioration of Air Quality (PSD) permitting program consistent with federal requirements for the implementation of the PM<sub>2.5</sub> national ambient air quality standard. Among other revisions, these amendments incorporated federal provisions relating to implementing the PSD program for PM<sub>2.5</sub> promulgated by EPA on May 16, 2008, and the PM<sub>2.5</sub> Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) promulgated on October 20, 2010.

On January 22, 2013, the United States Court of Appeals for the District of Columbia Circuit (Court) granted a request from EPA to vacate and remand to EPA the portions of the PSD PM<sub>2.5</sub> rules addressing the SILs for PM<sub>2.5</sub> (found in paragraph (k)(2) in 40 CFR 51.166 and 52.21) so that EPA could voluntarily correct an error in the provisions. The Court also vacated the parts of the PSD rules establishing a PM<sub>2.5</sub> SMC (found in paragraph (i)(5)(i)(c) in 40 CFR 51.166 and 52.21). As detailed in EPA's December 9, 2013 (78 FR 73698) final rulemaking, EPA removed from the federal regulations the affected PM<sub>2.5</sub> SILs and SMC provisions vacated by the Court's decision.

Florida's March 15, 2012 SIP Revision included amendments to Section 62-210.200(283) (Definition of "Significant Impact" amended to add the federal significant impact levels for PM<sub>2.5</sub> to the state rule) and Section 62-212.400(5), F.A.C. ("PM<sub>2.5</sub> Significant Impact Levels for PSD Source Impact Analysis," which incorporates by reference the federally adopted significant

Mrs. Heather McTeer Toney  
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March 17, 2014

impact levels for PM<sub>2.5</sub> in the same manner as such levels are established in the federal rules.) Consistent with existing federal regulations following EPA's December 9, 2013 final rulemaking, and with recommendations that DEP received from the Region 4 Air Planning Branch – Air, Pesticides and Toxics Management Division, DEP asks that this letter serve as its formal request to withdraw the PM<sub>2.5</sub> SILs portions from Florida's March 15, 2012 SIP Revisions. DEP requests that EPA approve the remaining portions of the March 15, 2012 SIP Revision. Further, consistent with the Court's vacating of those parts of the PSD rules establishing a PM<sub>2.5</sub> SMC, Florida will undertake rulemaking to remove the PM<sub>2.5</sub> SMC from its rules and will submit a subsequent SIP revision reflecting that revision.

If any further steps are needed in order to accommodate this request, please contact Preston McLane (Preston.McLane@dep.state.fl.us; [850] 717-9089) at your convenience.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paula L Cobb", with a long horizontal flourish extending to the right.

Paula Cobb, Deputy Director  
Division of Air Resource Management

cc: Lynorae Benjamin, EPA Region 4





## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Ryan E. Matthews  
Interim Secretary

**Via U.S. Mail and Electronic Mail**

February 20, 2017

Ms. V. Anne Heard  
Acting Regional Administrator  
U.S. Environmental Protection Agency – Region 4  
61 Forsyth Street SW – Mail Code: 9T25  
Atlanta, Georgia 30303-8909

Re: Proposed Revision to Florida's State Implementation Plan – Response to the U.S. Environmental Protection Agency (EPA) Letter on Florida SIP Submittal No. 126

Dear Ms. Heard:

On February 27, 2013, the Florida Department of Environmental Protection (Department) submitted a proposed revision to the Florida State Implementation Plan (SIP) that, among other things, incorporated revisions to Rules 62-210.350 and 62-296.401, Florida Administrative Code (F.A.C.). After re-evaluating the provisions of these two rules, the Department is hereby requesting that EPA withdraw the following from the February 27, 2013, SIP submittal:

1. The addition of paragraph 62-210.350(1)(c), F.A.C. (effective February 11, 1999); and
2. The revisions to Rule 62-296.401, F.A.C. (effective November 13, 1997, and January 10, 2007).

If you have any questions about this proposed SIP revision, please contact me at (850) 717-9017 or [Hastings.Read@dep.state.fl.us](mailto:Hastings.Read@dep.state.fl.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Hastings Read".

Hastings Read, Environmental Administrator  
Office of Business Planning  
Division of Air Resource Management

cc: R. Scott Davis, Chief, Air Planning Branch, EPA – Region 4

